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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/635,549 | 08/10/2000 | Yevgeniy Eugene Shteyn | US000209 | 7153 |

7590 10/29/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
1109 MCKAY DRIVE
MAIL STOP SJ41
SAN JOSE, CA 95131

EXAMINER

LIM, KRISNA

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2153

DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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580 White Plains Road
Tarrytown, NY 10591

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Office Action Summary

Application No.

09/635,549

Applicant(s)

SHTEYN, YEVGENIY EUGENE

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1-16 are still pending for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Allan [EP 1 017 206]. This reference was submitted by the applicant.

4. Allan disclosed (e.g., see Figs. 4-11) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference disclosed a consumer apparatus (14) responsive to a user-input for initiating retrieval of data from a server (not shown in Internet 18 of Fig. 4, col. 1 (lines 28-29), col. 2 (lines 34-36)) under control of a predetermined URL or an identifier therefor associated with the apparatus (e.g., see a single Internet address or a unique Internet address at col. 1 (lines 32-33) and the abstract), the data representing content information about the context of usage of the apparatus

5. As to claim 2, Allan disclosed the consumer apparatus configured for use and inclusion on a home work and having Internet-access functionality through the home network (e.g., see col. 1 (lines 11-33), col. 2 (lines 13-15) and (41-43)).

6. As to claim 3, Allan disclosed a memory for storage of the URL or identifier therefor (e.g., see a single Internet address or a unique Internet address, col. 1 (lines 32-33) and the abstract).

7. As to claim 4, Allan disclosed the apparatus has a remote control device (e.g., see TV in col. 1 (lines 14-15 and 20) and the device has a dedicated button for initiating the retrieval of the data (e.g., see col. 1, lines 28-29)).

8. As to claims 5-10, they are similar to claims 1-4 with the exception of the applicant specifically calls for the a proxy device for representing an apparatus on a home network , the additional feature of a gateway and the wireless signal. Such a gateway was clearly disclosed by Allan (e.g., see the gateway 12, col. 2 (lines 46-57)) and moreover Allan clearly taught the such a proxy device (e.g., see a home gateway 12 of the figures 1-4, the abstract, col. 2 (line 55) to col. 3 (line 12)) and the feature of wireless signal (e.g., see col. 5, line 9). Thus, claims 5-10 are also rejected for the same reasons as in the rejection of claims 1-4 above.

9. Claims 11-16 are similar in scope as of claims 1-4, and therefore claims 11-16 are rejected for the same reasons set forth above for claims 1-4.

10. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Krisna Lim whose telephone number is (703) 305-9672. The examiner can normally be reached on Monday-Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenton Burgess, can be reached at (703) 305-4772. The fax phone

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numbers for the organization where this application or proceeding is assigned is are as following:

(703) 746-4481 [Direct Fax Number]
(703) 746-7238 [After Final Communication]

or

(703) 746-7239 [Official Communication]
(703) 746-7240 [For Status inquires, draft communication]

and/or

(703) 306-5631, (703) 306-5632 or (703) 306-5633 for [Customer Service Numbers]

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [glen.burgess@uspto.gov].

All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Office Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

kl

September 30, 2003



KRISNA LIM
PRIMARY EXAMINER